

# **TIGARD WATER DISTRICT BOARD OF COMMISSIONERS**

Serving the Unincorporated Area

**Tigard Water Building Auditorium  
8777 SW Burnham Street, Tigard, Oregon**

**Tuesday, August 14, 2007  
7:00 p.m.**

**Members Present:** Julie Russell, Ken Henschel, Kinton Fowler (by telephone),  
and Charles Radley  
**Members Absent:** Bert Cornick  
**Staff Present:** John Goodrich  
**Visitors:** Eileen Eakins, Phil Decker and Barbara Sherman

## **1. Call to Order, Roll Call and Introductions**

The Tigard Water District (TWD) meeting was called to order by Commissioner Radley at 7:02 p.m. Commissioners Radley, Russell, Henschel and Fowler (by telephone) were present. Commissioner Cornick was absent.

## **2. Public Comments**

Commissioner Radley asked that the board not take public comments due to time constraints for the evening. The board members present approved. Mr. Phil Decker interrupted the meeting to object to that and engaged in a discussion with the Board and the Board's attorney regarding that issue. The Chair ruled him out of order.

No public comments were taken.

## **3. Consider engaging additional legal counsel**

Commissioner Radley informed the board that additional counsel may be necessary after a discussion he had with Mr. Balfour regarding his services. Commissioner Radley introduced Ms. Eileen Eakins as a legal counsel for consideration. The discussion was opened for the board members. Commissioner Russell expressed her support, having recently benefited from training presented by Eileen Eikens at the Special Districts of Oregon training session. Commissioner Radley made a motion to retain Ms. Eakins as legal counsel for the Tigard Water District. Commissioner Russell seconded the motion. Commissioners Radley, Russell, Henschel and Fowler voted yes. The motion passed. Ms. Eakins then provided a "Consent to Legal Counsel" letter to the board. Ms. Eakins also discussed providing a provision that a letter of no conflict be signed by the City of King City, in which she may have been remotely involved with litigation. Commissioner Henschel motioned that the consent letter be signed by the Chairperson, Commissioner Russell seconded the motion. Commissioners Radley, Russell, Henschel and Fowler voted yes. The motion was passed and Commissioner Radley signed the consent letter.

#### **4. Staff Support – Transition Plan**

Commissioner Radley provided an update on the current situation between the City of Tigard and the TWD and raised three key points of the IGA: meeting space, office space and storage space within the remodeled Water Building. Commissioner Henschel asked about the request for scope of services by the City. Commissioner Radley responded that there has been no progress reported at this time. The issue was deferred as an agenda item for the next regular meeting.

#### **5. Non-agenda Items**

Compact discs containing the audio portion of the TWD June 25, 2007 meeting were provided to board members. The approval of the minutes from the June 25, 2007 meeting was deferred as an agenda item for the next regular meeting. Commissioner Russell asked that the TWD financial audit status be placed on the agenda for the next regular meeting. Commissioner Fowler agreed, as well as the rest of the board present.

Commissioner Radley discussed the tour by water staff for the TWD board members. The board would be meeting in an “information session.” Mr. Goodrich indicated that he will set up the tour once the board provides a date or dates for consideration. The board agreed.

Commissioner Russell also asked about a problem with the City of Tigard Council meeting minutes that reflected incorrect information regarding the delay of the IWB approval vote for the Water Building lease agreement. The TWD meets after the IWB and could not make a decision until the following month. The board suggested that she discuss it at the next IWB meeting.

Mr. Goodrich asked about the status of the money approved for the Friends of Bull Mountain festival. Commissioner Radley asked that the City of Tigard hold the approved funds until clarification is received from festival coordinators that the fair will proceed.

Commissioner Henschel thanked the guests that took time to come to the special meeting and asked that their comments wait to be expressed for the next regular meeting during “public comments.”

#### **6. Recess Special Meeting and Convene Executive Session**

##### ***Executive Session – Real Property Transactions, Exempt Public Records and Pending Litigation***

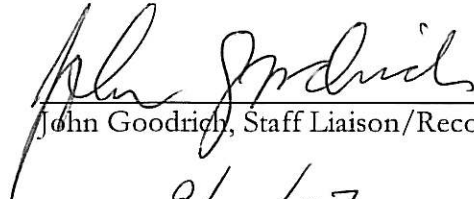
Commissioner Radley recessed the special meeting and convened an executive session; Commissioner Henschel read ORS 192.660(2)(e), (f) and (h) and the executive session was convened at 7:38 p.m. Mr. Goodrich was requested to not participate. The Board came out of executive session at 9:29 p.m.

#### **12. Reconvene Regular Meeting and Consider Matters from Executive Session, if any**

Commissioner Radley reconvened the special meeting at 9:29 p.m. Commissioner Radley asked for a motion to authorize Ms. Eileen Eakins to begin analysis of the legal issues discussed in today’s executive session. Commissioner Henschel made the motion to do so and added that Ms. Eakins should report back to the board with her recommendations. Commissioner Russell seconded the motion and Commissioner Radley called for a vote. Commissioners Radley, Russell, Henschel and Fowler voted yes. The motion passed.

### 13. Adjournment

Commissioner Radley asked for further comments; hearing none, he asked if there was a motion to adjourn. Commissioner Henschel made the motion and Commissioner Russell seconded. Commissioners Radley, Russell, Henschel and Fowler voted yes and the meeting was adjourned at 9:35 p.m.

  
\_\_\_\_\_  
John Goodrich, Staff Liaison/Recorder  
Date: 9/11/07